

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
	)	CRIMINAL NO. 04-10074-JLT
v.	)	
	)	
PHILLIP W. HYDE,	)	
Defendant	)	
	)	

GOVERNMENT'S MOTION FOR ORDER SETTING DATE  
FOR DEFENDANT TO SURRENDER TO SERVE HIS SENTENCE

The government hereby moves for an order of the Court setting a date for defendant Phillip W. Hyde to surrender to the Bureau of Prisons to begin serving his sentence. As grounds therefore, the government states as follows:

On April 20, 2005, this Court sentenced Hyde to a term of a year and a day for his crime of defrauding the Chicago Teachers' Pension and Retirement Fund of more than \$300,000. Docket #12. The Court set the surrender date for July 5, 2005. Id. On June 21, 2005, Hyde filed an emergency motion to stay his reporting date because he was scheduled for hip replacement surgery. Docket #13. The Court allowed the motion and set a new reporting date of November 14, 2005. Docket 6/30/05.

On November 9, 2005, Hyde filed another emergency motion to stay his reporting date, asserting that he had additional hip surgery scheduled for two days later. Docket #27. The Court allowed the motion, ordered Hyde to file a status report by

November 18, and stated that a new self-report date would be scheduled thereafter. Docket 11/10/05. On November 18, 2005, Hyde filed a status report, consisting of a letter from his physician, Dr. William W. Tomford, which summarized Hyde's surgeries, treatment and prognosis. Docket #28. Dr. Tomford concluded that Hyde "will not be ready to report until between January 1 and January 15, 2006." Id. Hyde has submitted no additional information.

More than two months have now passed since the time Hyde's doctor stated that Hyde would be "ready to report," and nearly a year since Hyde was sentenced.

For all the above reasons, the government requests that the Court set a date for Hyde to self-surrender to begin serving his sentence.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Mark J. Balthazard  
MARK J. BALTHAZARD  
Assistant U.S. Attorney

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 16, 2006.

/s/ Mark J. Balthazard  
MARK J. BALTHAZARD  
Assistant U.S. Attorney